

June 28, 2018

**Re: CG Docket: 02-278; Reply Comments**

The regulations pertaining to robo-calls need to be strengthened, not weakened.

The TCPA was enacted to prevent companies from invading American citizens' privacy and prevent illegal robocalls. The purpose of the TCPA has not changed, and consumers need this protection more than ever. Since its inception, the number of consumer complaints regarding robo-harassment, have increased. Over 3.4 billion robocalls were made in the month of April 2018 alone—a 285% increase in less than three years. The number of complaints to government agencies increased 100% during the same three-year period, from 3.5 million to 7.1 million in 2017.

The reason companies employ these harassing tactics is simple. Money. A company can place millions of calls for pennies on the dollar. Even with the current regulations many companies are not deterred. It is still cheaper for them to robo-blast consumers and pay any penalties, then employ proper communication methods.

Under the law, a company is treated as a person. If any person called me 12 times a day, I would call the police. The fact that offender is a multi-billion-dollar corporation does not change the harm. Congress enacted the TCPA to prevent real harm. Congress found that "automated or pre-recorded calls are a nuisance and an invasion of privacy, regardless of the type of call" and decided that "banning" such calls made without consent was "the only effective means of protecting telephone consumers from this nuisance and privacy invasion." Pub. L. No. 102-243, §§ 2(10-13) (Dec. 20, 1991), codified at 47 U.S.C. § 227.

Industry commenters want you to believe that the TCPA prevents companies from "helping" their customers, who "want" the calls. Nothing could be further from the truth. For the people who want calls from their banks, or alerts regarding a late payment, nothing stops a company from utilizing an economically efficient communication strategy to contact its own customers who provided consent to receive calls or texts using an automated system. The TCPA is not a gag-order. Without a customer's consent a company is free to send letters, email notices, place (non-ATDS) phone calls, or in the event of an unpaid bill- seek legal recourse.

Large companies, many of whom are lobbying for loosening of TCPA restrictions have weaponized the autodialer, using it as a bullying tactic. I currently represent a client who was so helpless to get the incessant calls to stop, she used the money she had set aside for her water bill to pay Navient. When learning of the desperate measures taken by their customer, the Navient collector suggested she also use the money for her mortgage and car payments. Companies who implement such aggressive and abusive tactics do not need to be armed with an auto-dialer which placed 6 calls a day, everyday.

To more narrowly construe the definition of an autodialer does nothing but hurt consumers and incentivize otherwise consumer-conscious companies to jump on the robo-blast bandwagon for fear of losing their competitive edge. Upon receiving the 7<sup>th</sup> robo-call in a day, answering the phone to be met with a recording telling you to "wait on the line to speak to a representative" does not in any way lessen the harm caused by the 7 robocalls. Whether or not there is a live representative on the line does not somehow alleviate the frustration or annoyance. Being connected with a live representative does not even mean that your pleas for the calls to stop will be heard! The fact that the system being

used to robo-blast you while you are driving or at work dialed your number from a pre-programmed list does not eliminate the distraction or the write-up in your employment file.

As is the philosophy of Chairman Pai, “The FCC is at its best when it proceeds on the basis of consensus; good communications policy knows no partisan affiliation.” The epidemic of robo-harassment is one that crosses party lines, geographic divides and the socio-economic spectrum. No one wants to receive calls placed using an automatic telephone dialing system without their express consent, no matter the source.

Thank you for your time and consideration in this matter,

Amanda Allen